

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARLENE DELGADO,

Civil Case No.: 19-cv-11764

Plaintiff,

-against-

DONALD J. TRUMP FOR PRESIDENT, INC.,
TRUMP FOR AMERICA, INC.,
SEAN SPICER, individually,
REINCE PRIEBUS, individually,
STEPHEN BANNON, individually,

Defendants.

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DECLARATION OF PLAINTIFF, ARLENE DELGADO

I, Arlene Delgado, declare under the penalty of perjury, that the following is true and correct:

1. I am the Plaintiff in the above-captioned action.
2. Documents referred to herein are substantiated in the exhibits, as specified in the Rule 56.1 Statement.
3. In November 2016, I became pregnant while working on the Trump Campaign as a Senior Advisor.
4. The father was my direct supervisor, Jason Miller.
5. On the morning of December 21, 2016, I informed Kellyanne Conway and Steve Bannon of my pregnancy.
6. Both received and read the email.
7. Mr. Bannon and Reince Priebus discussed it with Mr. Miller that day and the next, but not

with me.

8. Late morning on December 22, 2016, Mr. Miller informed me that he had conferenced with Mr. Bannon and Mr. Priebus that morning and that Mr. Priebus, regarding my pregnancy, dismissed such as a concern, saying “It’s 2016 and no one will care.”

9. At 1:48 pm EST, on December 22, 2016, I was stunned to read an official press release, stating Mr. Miller had been appointed White House Communications Director.

10. Given the cumulative series of events (e.g., Ms. Conway, earlier that month, suggesting at a public speech that the White House was not appropriate for mothers; Mr. Miller saying I could not ‘be seen waddling around the White House pregnant’ and other discriminatory remarks and actions; and that Mr. Miller had recently become evasive when discussing my White House job, as just some examples), upon seeing the press release, I remained very concerned that my pregnancy was resulting in discrimination.

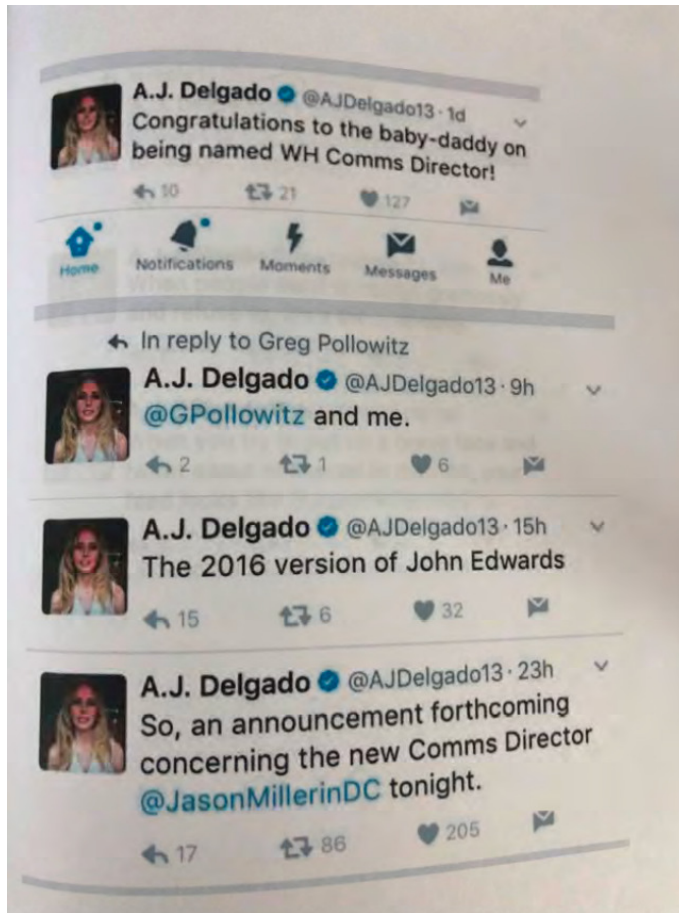
11. I called Mr. Bannon, whom I had known since 2013, and spoke to him for 10 minutes. In a complete reversal (e.g., just a month earlier, Mr. Bannon had sent me an email, essentially stating I had my pick of White House jobs), Mr. Bannon was now suddenly evasive about my White House job.

12. To highlight the pregnancy discrimination and other unlawful acts, and to draw light on this, and left with no choice, a couple of hours later I posted a series of tweets, as directly as I could, given the natural limitations of the political environment and my NDA.

13. I also ‘retweeted’ a news article about pregnancy discrimination at a supermarket chain, which I believe may have been Publix but do not recall the exact supermarket chain.

14. All members of the leadership, including Mr. Trump, were very active on Twitter, especially during these days, and I hoped they would see and consider the discrimination.

15. The following are my tweets, as represented by the Defendants themselves per their exhibits. I do not dispute that there are my authored tweets, as they appear generally representative of what I recall authoring and posting.



16. I clearly referred to my *supervisor*, Mr. Miller, as the “baby daddy”; I later added that I may be sharing news related to him (the person who had been named as the “new Comms Director”); and I pointedly referred to him as John Edwards, who had famously impregnated someone.

17. I hoped this would get the point across to leadership, and that they would read and consider my grievance, as private avenues had proven useless.

18. This was as explicit as I could be, to raise the flag that top brass would understand, whilst being cognizant of not saying more than needed to be said publicly.

19. In the tweets, I very intentionally sought to draw attention to the pregnancy discrimination I believed was occurring, which was evident to me by, e.g. the elevation of a man to a top White House role despite the Campaign knowing he had impregnated a subordinate, and not similarly confirming her own role.

20. A few hours after the John Edwards tweet, I followed up on the tweets with *another* email to Campaign and Transition leadership (Bannon, Priebus, and then forwarded it to Spicer), in the early hours of December 23rd, explicitly stating that I was being discriminated against for my pregnancy. It read, in part:

*In the past few days, however, I have apparently, as punishment for an affair started by a supervisor, and as punishment for a pregnancy, been **REMOVED from the org chart and have been removed from any job possibility** (at least from any job adequate for someone with my resume and experience). Suddenly this week, Miller refused to show me the org chart when I requested it. While he claimed I was on it, he refused to tell me in what capacity or in what role (clearly I am not on it). **I am a woman being penalized for a male supervisor's actions, as I am pregnant no less, while said supervisor is elevated to one of the most senior WH roles.***

21. Still, nothing was done.

22. Early on December 24th, I received a phone call from Miller, which was threatening in nature and in which he was yelling.

23. Mr. Miller appeared to have been informed of my December 23rd email.

24. I posted additional tweets from December 24, 2016, noting Miller should resign.

THE TIMES AT WHICH THE TWEETS WERE POSTED

25. No party in this lawsuit has copies of the tweets with timestamps, nor are my tweets still 'live' on Twitter.

26. Although the Trump Campaign would later claim, in July 2017, that my tweets had violated my NDA, no one from the Campaign, including general counsel or outside counsel, bothered to get a screenshot with timestamps before I was pressured to delete the tweets.

27. The tweets, pictured in this Declaration, appear to from a photo of a Daily News article at the time.

28. Regardless, both sides in this matter agree that the tweets, as pictured, are an accurate representation.

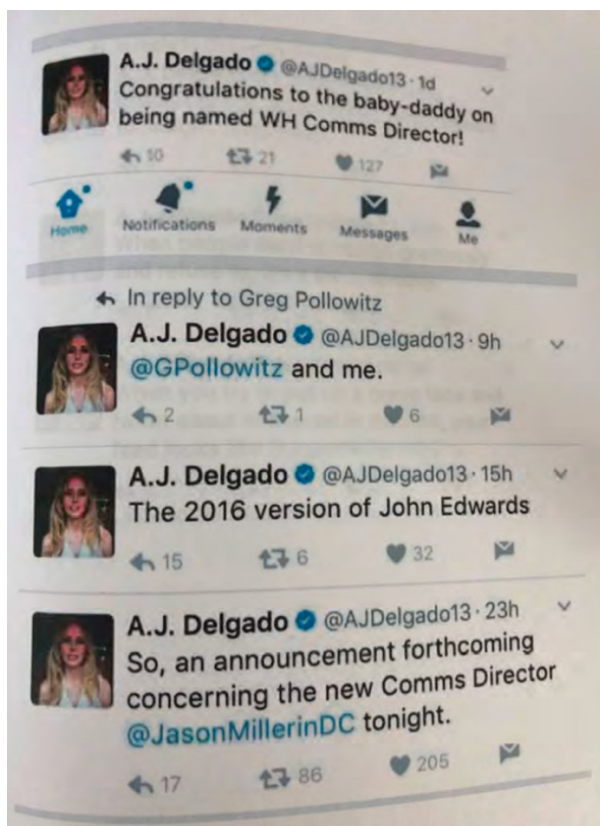
29. Although there is no photo of each tweet, with a timestamp showing when the tweet was posted, *it is nonetheless possible to ascertain the time of each of my tweets, as I explain below.*

30. This is necessary due to a brand-new allegation, made by the Campaign and Campaign executive Michael Glassner *for the first time* in September 2024, that a particular tweet of mine was posted prior to the public press release (which was on December 22, 2016, 1:48 pm) and that, in doing so, I violated the NDA by releasing confidential information of the Campaign.

31. [Incidentally, the Campaign has not explained how the White House appointments are confidential information of the *Campaign*.]

32. Because the image, whose accuracy neither side questions, shows the minutes or hours ago, at which each tweet was posted, it is basic logic that, if one knows *when the photo was taken*, one can then, working backwards, easily ascertain when each tweet was posted.

33. Thankfully, one can discern when the photo was taken because there is *one* tweet in the photo that *is* still live on Twitter, which one can then use as a key.



34. As shown in the undisputed image of the tweets, I replied to my late friend, Greg Pollowitz (who had posted a tweet about the few who predicted Trump’s win). My response to Greg read, “and me.”

35. That tweet *is* still live on Twitter and can be viewed by anyone today. Due to such, one can see that my “and me” tweet was posted at 7:23 am December 23, 2016.



36. Using such as a key, one can then discern when this photo was taken. If the “and me” tweet was tweeted “9 hours earlier” than the photo was taken, **that means the photo was taken circa 4:23 pm on December 23, 2016, give or take a 59 minutes in either direction.**

37. One can then use that to discern when the *alleged* ‘spoiler’ tweet was posted. That tweet, per the undisputed image, was posted “23 hours” earlier than the photo was taken.

38. **Given that we know the photo was taken circa 4:23 pm (give or take 59 minutes in either direction) that means the alleged spoiler tweet was posted circa 5:23 pm, give or take 59 minutes in either direction, on December 22, 2016.**

39. Similarly, the “2016 version of John Edwards” tweet would have been posted circa 3 am on December 23rd.

40. The press release, disclosing Miller’s appointment, went out circa 1:48 pm, on December 22, 2016.

41. Thus, even based on Defendants' own representation of my tweets and their own exhibits, Mr. Glassner's Declaration and the Campaign's position in its Summary Judgment motion contains an indisputable lie.

42. I posted the tweet, saying I had something to share about the newly named Comms Director, a few hours *after* the Miller-appointment was publicly announced, just as Defendants' own filings in the 2020 Arbitration noted.

I declare under the penalty of perjury, that the following is true and correct.

s/Arlene Delgado
Arlene Delgado
January 12, 2025